



**HAMRE, SCHUMANN,  
MUELLER & LARSON, P.C.**  
AN INTERNATIONAL INTELLECTUAL PROPERTY LAW FIRM

FAX TRANSMISSION

June 7, 2006

TO: Mail Stop: PCT  
Attn: Cynthia M. Kratz  
Office of PCT Legal Administration  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

FROM: Michael D. Schumann

OUR REF: 09548.1000USWO

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Legal Staff  
International DivisionRECEIVED  
- 7 JUN 2006

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Title of Document: **Renewed Petition Under 37 CFR § 1.497(d)**  
**Written Consent of Assignee to Add Inventor Zhouan Huang**  
**Copy of Decision of Request, mailed April 11, 2006**

Applicant: ZENG et al.  
Serial No.: 10/533,623  
App. Filed: April 29, 2005  
Group Art No.: Unknown

Please charge any additional fees or credit overpayment to Deposit Account No. 50-3478. Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

By: 

Name: Michael D. Schumann

Reg. No.: 30,422

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

Antonette C. Peters

  
SignatureDate June 7 2006

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S/N 10/533,623

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: ZENG et al. Serial No.: 10/533,623  
Filed: April 29, 2005 Docket No.: 09548.1000USWO  
Title: A OPTICAL BIOPSY METHOD FOR PRECANCEROUS LESION  
DIAGNOSIS AND AN ENDOSCOPE APPARATUS THEREOF (as  
amended on Jan. 13, 2006)

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on June 7, 2006.

By: 

Name: Antonette C Peters

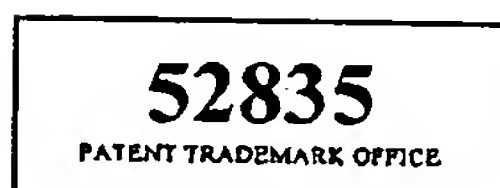
RENEWED PETITION UNDER 37 CFR § 1.497 (d)

Mail Stop: PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Commissioner:

In response to the Decision on Request, mailed April 11, 2006 transmitted herewith, Applicant hereby submits the Written Consent of Assignee to Add Inventor Zhouran HUANG to the above referenced application.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Michael D. Schumann (Reg. No. 30,422), at (612)455.3803.

Dated: June 7, 2006

Respectfully submitted,

HAMRE, SCHUMANN, MUELLER &  
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By: 

Michael D. Schumann  
Reg. No. 30,422  
MDS/acp

S/N 10/533,623

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	ZENG et al.	Serial No.:	10/533,623
Filed:	April 29, 2005	Docket No.:	9548.1000USWO
Title:	A LASER-INDUCED FLUORESCENCE METHOD FOR PRECANCEROUS LESION DIAGNOSIS AND AN ENDOSCOPE PRECANCEROUS LESION DIAGNOSIS APPARATUS THEREOF		

WRITTEN CONSENT OF ASSIGNEE TO ADD INVENTOR ZHOURAN HUANG

I, a representative of SHANGHAI SHENGBIO SCIENCE AND TECHNOLOGY CO., LTD., declare that Zhouan HUANG is a joint inventor of the following U.S. National Stage PCT application: A LASER-INDUCED FLUORESCENCE METHOD FOR PRECANCEROUS LESION DIAGNOSIS AND AN ENDOSCOPE PRECANCEROUS LESION DIAGNOSIS APPARATUS THEREOF, Serial No. 10/533,623, filed April 29, 2005.

Zhouan HUANG is an inventor of at least some of the claimed subject matter in International PCT Application, PCT/CN2003/000917 and in the above referenced U.S. National Stage application. He was omitted as an inventor in the PCT application in error. I state the error in inventorship in the international application occurred without deceptive intention on SHANGHAI SHENGBIO SCIENCE AND TECHNOLOGY CO., LTD.'s part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 4.5. 2006.  
Signature

Zhouan Huang

Printed Name of:

Representative of SHANGHAI SHENGBIO  
SCIENCE AND TECHNOLOGY CO.,  
LTD.



11 APR 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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HAMRE, SCHUMANN, MUELLER & LARSON, P.C.  
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In re Application of  
ZENG et al.

Application No.: 10/533,623

PCT No.: PCT/CN03/00917

Int. Filing Date: 29 October 2003

Priority Date: 31 October 2002

Attorney Docket No.: 09548.1000USWO

For: A OPTICAL BIOPSY METHOD FOR  
PRECANCEROUS LESION DIAGNOSIS AND  
AN ENDOSCOPE APPARATUS THEREOF

DECISION ON REQUEST

UNDER 37 CFR 1.497(d)

This is a decision on applicants' "Submission of Missing Requirements", filed on 20 January 2006 in the United States Patent and Trademark Office (USPTO). Petitioner seeks to add Zhouhan Huang as inventor in the above referenced application. The requisite \$130 petition fee was paid. The petition is being treated as a petition under 37 CFR 1.497(d).

### BACKGROUND

On 29 April 2005, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 07 December 2005, a Notification of Missing Requirements was mailed indicating that an oath or declaration, in compliance 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date, was required.

On 20 January 2006, applicant filed a request to correct the inventorship, to add Zhouhan Huang as an inventor. In addition to the \$130 petition fee, Petitioner provided the statement of Zhouhan Huang in support of the correction of inventorship under 37 CFR 1.497(d) and a declaration executed by the joint inventors along with the \$65 surcharge for filing the declaration after the thirty month period.

### DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s).

Reconsideration 6/11/06

Application No.: 10/533,623

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Applicants provided a statement, signed by Zhouan Huang, stating that "I was omitted as an inventor in the PCT application in error. I state the error in inventorship in the international application occurred without deceptive intent on my part". This statement satisfies item (1) of 37 CFR 1.497(d).

The processing fee of \$130.00 has been paid, satisfying Item (2) above.

With regard to Item (3), a review of the application file reveals that an assignment of assignors interest was filed with the USPTO on 17 January 2006. However, applicant has not provided a Written Consent of Shanghai Shengbio Science and Technology Co., Ltd. (assignee) to correct the inventorship under 37 CFR 1.497(d)(3) consenting to the addition of Zhouan Huang as an inventor in this application. Item (3) above has not yet been satisfied.

Accordingly, applicant has not met all of the requirements to add Zhouan Huang as co-inventor in the above-identified international application.

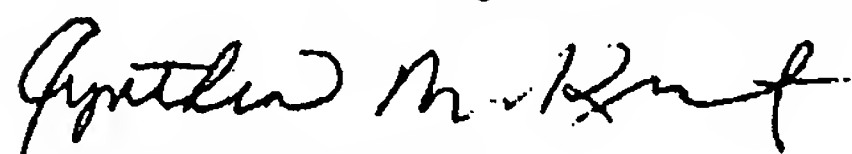
### CONCLUSION

For the reasons discussed above, the submission under 37 CFR 1.497(d) to add Zhouan Huang as co-inventor is hereby DISMISSED WITHOUT PREJUDICE.

The application will be held in the PCT Legal Office to await applicant's further reply.

Any reconsideration on the merits of the petition under 37 CFR §1.497(d) must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR §1.497(d)." No petition fee is required. Any further extensions of time available may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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